

Special Meeting - 7th January 1905

A special meeting of the County Council, was held in the Council Chamber, Courthouse, Wexford, on 7th January 1905.

Present:- Sir J. H. G. Esmonde, Bart. M.P. (Chairman) presiding.

Other members:- Messrs E. Hore, J. F. Walsh, J. Bolger, C. H. Peacocke, J. J. Kehoe, J. Donohoe, M. Murphy, M. A. Ennis, D. Dempsey, J. E. Mayler, and J. Bolger.

The Secretary, the County Surveyor, and Mr R. W. Elger, Solicitor to the Council, were in attendance.

Overhead Bridges- Railways.

The following resolution was adopted on the motion of the Chairman:- "That the Seal of the County Council, be affixed to the agreement between the County Council, and the D. W. & W. Railway Co. with reference to the maintenance of overhead bridges and approaches thereto."

Costs.

Proposed by Mr Peacocke, seconded by Mr Ennis:- "That the costs of Mr R. W. Elger, Solicitor to the Council incurred since the 31st March 1904 be referred to the proper Officer for taxation and that a Requisition to tax same be sealed and that Mr J. J. Healy, Solicitor, No. 12 Westmoreland St. Dublin be appointed to represent the Council on the taxation."

Passed.

Isbergat Lane

The following letters from the Local Government Board, were read.

No. 69, 904: 1904. under date 9th December 1904.

"The Local Government Board for Ireland, have had before them the entry in the minutes of Proceedings of the Wexford County Council, on

the 29th ultimo, relative to the report of the committee appointed to inquire into the question of the contract for the repair of Tobergal lane, and the Board direct me to request that you will be so good as to furnish them with a certified copy of the contract and specification in this case, together with a copy of the original proposal.

A detailed report from the County Surveyor regarding the circumstances under which the payment of £30 to the contractor was certified by that officer should also be forwarded.

The Board desire that a copy of any written reports on the subject by Mr. Murphy, Assistant County Surveyor, may also be furnished for their inspection."

Letter No. 72,379/1904. under date 20th December 1904:-

"With reference to previous correspondence relative to the resolution passed by the Wexford County Council on the 29th ultimo, requesting the Board to hold a sworn inquiry into the facts connected with the issue of a certificate by the County Surveyor, on the report of Mr. Murphy Assistant Surveyor, for payment of a sum of £30 on foot of a contract for the repair of Tobergal lane, I am directed by the Local Government Board for Ireland, to state that, in view of the expense which would be entailed on the county, by the holding of such an inquiry, the Board are of opinion that the County Council would do well before finally deciding that an inquiry is desirable to wait until the work is finished, and the Co. Surveyor is in a position to deal with the final certificate in connection with the contract.

The contractor according to the terms of his contract is bound to complete the work by the 31st proximo."

The following is the detailed statement of the

County Surveyor, referred to in letter of the Local Government Board, in their letter No. 69,904:1904, under date 9th December 1904.

Tubbergal Lane

During to a very heavy pressure of business in connection with Harbour works and in repairs to roads injured by the Railway Co. in constructing the Rosslare to Fishguard Railway, I was unable to inspect this lane during the quarter ending September 30th '04. When about to certify for the various works carried out during that quarter, I requested my Assistants to come in to my office and report verbally on each contract.

W. Murphy attended on the 3rd October, and when I came to the Tubbergal Lane contract, he informed me that the contractor had done a great deal of work; that he had got the lane into shape, and spread a large quantity of stones; and had cut the bushes and cleaned up the sides; and that he ought to be paid the amount for which I certified. The following is a copy of W. Murphy's report on the lane.

3rd Inspection - 19th September. Finished very roughly wants fine gravel.

13-10. Ordered contractor to sheet with fine gravel. Def certificate"

The written reports of the assistants are always submitted to me about three weeks after the verbal reports made for certificates.

I inspected the lane on the 4th November, and found a great deal of work had been done in shaping it and preparing it for the final coating of stones. I estimated 100 tons of stones had been spread on the road, the most of this material had been put on the first 200 perches of the lane, where it was most required. An enormous quantity of material, sods, and clay, had been drawn away into the adjoining fields.

The stones used in the repairs were field stones that had been thrown on the side of the lane from time to time, and in my opinion these stones were more suitable than the quarry stones in the vicinity. In estimating the cost of repairing this lane the facility for getting suitable field stones were taken into consideration.

On the 28th November, I inspected the lane again and found the contractor was drawing in field stones. He had already banked six heaps on the side of the lane. I measured these carefully and found they amounted to 122 tons. The Contractor was working away deepening the drains, etc.,.

I visited the lane again on the 10th inst., and found the contractor working well. He had put down a number of pipe drains across gate-ways, and was completing the drain from a low lying part of the road. He had drawn in more stones, and a man was working at the breaking of the stones, which I had measured, and had made considerable progress with the work. No stones had been spread on the surface since my first inspection and yet the lane was in very good order, for a lane put into repair for the first time, for years.

I considered that the £14. which I deferred was ample to complete the work.

Henry Webster
County Surveyor
Wexford

12th December '04

The report of the Committee regarding their visit and inspection of the lane on the 4th November 1904 and which is already on the Minutes was also read.

[W. Ennis proposed: That this Council views with regret the refusal of the Local Government Board to investigate the serious matters referred to in the

Council's resolution of the 3rd November 1904, and as in the opinion of the Council the condition in which Tobergal Lane may be on the 31st inst, can have no possible bearing upon the point at issue, we hereby withdraw our request for a sworn inquiry.

That inasmuch as the County Surveyor, and Mr. J. P. Murphy, Deputy Surveyor, have forfeited the confidence of this Council in connection with their dealings with road contractors by their action with regard to Tobergal Lane, in which case it was sought to induce the Council to make an interim payment of £30 on foot of the contract of John Doyle for £44.7.6, when, in the opinion of a Committee appointed by the Council, £10 had not been earned by this contractor on this contract; and as furthermore the County Surveyor has advanced the startling contention that a contractor is entitled to appropriate stones found upon a road and use them as portion of the quantity of stones specified in his contract, the County Council do appoint a permanent Roads Committee consisting of 8 Members whose duty it shall be to exercise a general supervision over the Roads of the County, to receive and investigate complaints, and to make such suggestions with regard to the provision of properly constructed stone depots, or such other matters as may seem to the Committee likely to afford the Council more efficient control over the Surveyors and Road Contractors".

Mr. Kehoe seconded the resolution.

Mr. Hore, Mr. Donohoe, and Mr. J. Bolger, having spoken. Mr. Webster said that some gentlemen during the discussion stated that the County Council had no control over their officers, and that the officers would laugh at a vote of censure. Personally he would say that so far from laughing at such a thing, he would be very much troubled, and he would feel very much hurt by the passage

of a resolution, which stated he had forfeited the confidence of the County Council. He would look on that as worse than anything the Local Government Board might do in the way of censure or dismissing him. If a man were to carry out his work under the imputation that he was a dishonest man, and to feel that the Council had not the slightest confidence in him, that he was untrustworthy, it was a most invidious position for a man to be in, and for his part he would sooner dig for gold in Australia or anything like that than be working at a good salary under the idea that he was a dishonest, and not trusted by the Council. Honestly he could say he had been doing his duty, altho' the Council might not think it.

Dealing with the lane at Tobergal, Mr Webster said if the man had only one horse his neighbours should have helped him judging by the amount of work which had been done in the drawing away of material from the lane. It was not fair, as Mr Ennis did to compare a maintenance contract like the road of Ferrycarraig, with the construction of a new lane. Regarding the length of the lane the District Councillors who brought it in, had first estimated for 240 perches.

He (Mr Webster) told the Councillors they were underestimating the length, and they then brought in the length at 300 perches.

As it was a contract for a bulk sum it was not necessary to measure the lane to the exact perch, but this of course would be done when the road would come into contract and the exact length in perches ascertained. He did not mean to cast any reflections on the Committee as to the difference of opinion between himself and the Committee as to the amount of tons ~~to the perch~~. ~~From the amount of stones he found of stones spread on the lane.~~ He had made his estimate as well as he could. He took so many tons of stones or propor-

tion of tons to the perch. From the amount of stones he found on the road he calculated the amount he had stated one-third of a ton to every perch. He also arrived at it by finding out how long the men were breaking the stones and spreading them and the two estimates tallied.

He considered he was perfectly right in stating that 100 tons of stones had been put on the lane at the time of the visit of the committee.

The stones used by the contractor were good field stones, but when they were there and used by the contractor, why should he (Mr Webster) object and perhaps have the contractor bring on other field stones, which would not be any better. He considered it was quite legitimate for the contractor to use these stones if suitable. He could not see his way to withdraw from what he had said in his report, though he wished he could. At the same time he believed this was a harsh proceeding, to pass a resolution of this kind, and for his part he would feel it very much and would be very sorry for it.

Mr Webster in reply to the chairman, said that if the contractor had on the last occasion stated it would take £23 to finish the lane, then his (Mr Webster's) whole case fell to the ground. But at the same time the certificate was given by him, Mr Murphy had satisfied him that £14 would finish the contract; only for this he would not of course issue the certificate.

Mr J. Bolger who was a member of the committee of Tobergal Lane, and had been over the lane before the committee inspected it, estimated then the cost of the amount of stones spread to be £7 : 18 : 0. And at the committee he had the same opinion. Some members of the committee had estimated the amount at £7 : 10 : 0 but Mr Ennis suggested that to be well within the mark £10 had been inserted in the report, and this was

agreed to.

If £30 had been spent on the lane at the time the committee had inspected it £100 had been spent on it since. It was a good lane now, and well finished and the people of the district might thank the row at the county council for it.

Mr Donohoe said that at the time the committee were there the contractor said he was quite prepared to forfeit the £30 to get out of the contract, and he would scarcely have taken that view if there had been £30 worth of work done.

The Chairman said that Tobergal Lane was a bad case, and in his view, had not been properly attended to. There was a chance of some of the money of the ratepayers being lost in the transaction but for the controversy which had arisen.

Speaking generally the roads of the county were not well attended to, and it was necessary to take active steps to improve matters. It might be necessary for the ratepayers to pay more for the upkeep of roads, but at the same time the council should devise some plan to see that some improvement was effected. Certain roads had improved, but on the whole the roads of the county, left much to be desired.

The resolution was then put and passed.

After some discussion it was decided to change the number of the representatives of the county council on the Roads Committee to twelve, and the following was added to the resolution.

"And that each district council be requested to co-operate with this committee by appointing two members to serve upon it."

Mr J. Bolger gave notice that he would move at the next meeting that the list of quantities of stones issued by the county surveyor be prepared by the 15th October, any resolution to the contrary being at the same time rescinded."

Courtown Harbour.

On the motion of Mr. Ennis, seconded by Mr. J. J. Kehoe, a resolution was adopted that the Harbour Master at Courtown be authorised to expend a sum not exceeding £10. in purchasing timber for repairs of boats, work to be carried out by the night watchman, and Mr. Webster to see that the proper material is procured, and the work efficiently carried out.

Vote of Condolence

On the motion of Mr. Ennis, seconded by Mr. Donohoe, the following resolution was adopted:-
"That this Council convey to their colleague Mr. C. H. Peacocke, the expression of their sincere condolence in the bereavement he has sustained in the death of his sister."

Edward Gore